

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TEXAS ASSOCIATION FOR THE	§	No. 1:22-CV-417-DAE
RIGHTS OF THE UNEMPLOYED,	§	
KATHRYN KAWAZOE, STEPHANIE	§	
STOUT, KIMBERLY HARTMAN, and	§	
CHARLES HARMON, JESUS	§	
DUARTE,	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	
	§	
EDWARD SERNA, Executive Director,	§	
Texas Workforce Commission, in his	§	
official capacity,	§	
	§	
Defendant.	§	


ORDER DENYING WITHOUT PREJUDICE DEFENDANT’S SECOND
MOTION TO DISMISS AND MOOTING PLAINTIFFS’ EMERGENCY
MOTION TO EXTEND RESPONSE DEADLINE

The matter before the Court are: (1) Defendant Edward Serna, Executive Director of the Texas Workforce Commission, in his official capacity’s (“Defendant” or “Serna”) Second Motion to Dismiss (Dkt. # 31); and (2) Plaintiffs Opposed Emergency Motion to Extend Deadline to Respond to Defendant’s Motion to Dismiss (Dkt. # 32). Because the Court has yet to rule on Defendant’s First Amended Motion for Partial Dismissal (Dkt. # 13), the Court will **DENY WITHOUT PREJUDICE** Defendant’s Second Motion to Dismiss (Dkt. # 31). Defendant may refile the motion after the Court rules on the first motion to

dismiss, and after conferring with Plaintiffs as to whether a limited amount of discovery should occur prior to filing the motion. Plaintiff's Emergency Motion to Extend Response Deadline (Dkt. # 32) is therefore **DENIED AS MOOT**.

IT IS SO ORDERED.

DATED: Austin, Texas, February 22, 2023.



David Alan Ezra
Senior United States District Judge